UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:22-cv-00361-RJC

NATHANIEL SAWYER KEA,)	
Plaintiff,)	
v.) ORDE	<u>R</u>
COMMISSIONER OF SOCIAL SECURITY,)))	
Defendant.)))	

THIS MATTER is before the Court *sua sponte*.

On August 8, 2022, Nathaniel Sawyer Kea, a pro se plaintiff, filed this action and an application to proceed in forma pauperis. Doc. Nos. 1, 2. On August 31, 2022, the Court granted Kea's application. Doc. No. 3. An answer was filed by the Defendant on October 28, 2022, Doc. No. 7, and the administrative record was filed on the same day, Doc. No. 8. On October 31, 2022, the Court entered a text-only scheduling order that directed Kea to file his motion for summary judgment by December 30, 2022. Key failed to file a motion by that deadline. On January 25, 2023, the Court entered a text-only order that directed the parties to file status reports by February 1, 2023. The Defendant filed a status report on January 26, 2023, Doc. No. 11, but Kea failed to file a status report.

Key appears to have abandoned this action. Therefore, this action will be dismissed without prejudice. *See* Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–33 (1962) (explaining that, although Rule 41(b) does not expressly provide for *sua sponte* dismissal, the rule does not imply any such restriction, and a court

has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

- 1. This action is **DISMISSED without prejudice** for failure to comply with the orders entered by the Court on October 31, 2022 and January 25, 2023.
- 2. The Clerk of Court is directed to close this case.

Signed: April 13, 2023

Robert J. Conrad, Jr.

United States District Judge